

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
(Newark Vicinage)**

IN RE: AMERICAN MEDICAL
COLLECTION AGENCY, INC.
CUSTOMER DATA SECURITY
BREACH LITIGATION

Civil No. 2:19-md-02904-MCA-MAH

Judge Madeline Cox Arleo

This Document Relates To:
Case No. 2:24-cv-00569-MCA-MAH,
Bratten v. Quest Diagnostics et al.,
Quest/Optum Track

DECLARATION OF ASHIM KAPUR
IN SUPPORT OF MOTION TO DISMISS OR, IN THE ALTERNATIVE,
MOTION FOR SUMMARY JUDGMENT

I, Ashim Kapur, declare and state under penalty of perjury as follows:

1. I am a Managing Director at Stroz Friedberg Inc., an Aon Company (“Stroz Friedberg”). Stroz Friedberg is a specialized risk management firm, focused on cybersecurity, with leading experts in digital forensics, incident response, and proactive security; investigation; intellectual property; and due diligence. I am fully familiar with the facts and circumstances set forth in this Declaration, based upon my personal knowledge and review of discovery produced in the AMCA MDL.

2. I submit this Declaration in support of Defendants Quest Diagnostics and Optum360’s Motion to Dismiss or, in the alternative, Motion for Summary Judgment.

3. Stroz Friedberg received an image of AMCA's CHAMP database, which was last modified on April 8, 2019 and consisted of various tables. I, and forensic examiners operating under my supervision, searched the data in all CHAMP database tables for the following:

- The keyword "bratten" (case insensitive);
- The three unique identification numbers assigned to Plaintiff Gregory Bratten ("Bratten") in the CHAMP database, which are "62977590" (his "accounts_core_id" number), "28416968" (his "customers_core_id" number), and "5685156455" (his "account_number"); and
- The phone number for Bratten listed in the CHAMP database, which is



All tables and records with hits for those keywords were reviewed and analyzed for any data associated with Bratten. Attached hereto as Exhibits 1 through 17 are excerpts from all tables in the CHAMP database containing any information associated with Bratten.

4. One of the CHAMP database tables containing information related to Bratten was labeled "accounts_details". That table contained three entries associated with Bratten (i.e., linked to his unique "accounts_core_id" of 62977590 and unique "account_number" of 5685156455).

- One entry contained the number [REDACTED] in a field labeled [REDACTED] and was associated with a field labeled “item_description” that contained the notation [REDACTED]
- Two entries contained the number [REDACTED] in a field labeled [REDACTED], and were associated with a field labeled “item_description” that contained the notation [REDACTED]

This “accounts_details” table is the only table in the CHAMP database that contains a field labeled “item_code” or any term related to procedures for Bratten. Attached hereto as Exhibit 1 is an excerpt from the “accounts_details” table containing all information associated with Bratten.

5. One of the CHAMP database tables containing information related to Bratten was labeled “accounts_patients”. That table contained one entry associated with Bratten (i.e., identifying “name_last” of Bratten and “name_first” of Gregory, and linked to his unique “accounts_core_id” of 62977590). The “accounts_patients” table is the only table in the CHAMP database that contains a field labeled “diagnostic_code” or any other term related to diagnoses, and the “diagnostic_code” field does not contain any information for Bratten (i.e., that field was blank). There is no diagnostic information for Bratten in this table or any other table in the CHAMP database. Attached hereto as Exhibit 2 is an excerpt from the “accounts_patients” table containing all information associated with Bratten.

6. We reviewed all records in the CHAMP database reflecting any attempt by AMCA to contact Bratten by telephone. There is no record in any table in the CHAMP database indicating that an AMCA employee ever spoke with Bratten. Several tables in the CHAMP database contain notations showing numerous attempts to call Bratten at his phone number. Attached hereto as Exhibit 18 is a chart summarizing the outcome of AMCA's attempts to call Bratten, as reflected in the information stored in the CHAMP database. As set out in the chart, these notations in the CHAMP database show that on only two occasions, an automatic dialer "connected" an employee in AMCA's call center to a call that had been placed to Bratten's phone number, and both times the calls reached Bratten's "[a]nswering [m]achine" or received "[n]o [a]nswer".

7. One of the CHAMP database tables containing call-attempt information relating to Bratten was labeled "accounts_notes". That table contained 19 entries relating to Bratten (i.e., linked to his unique "accounts_core_id" of 62977590), 17 of which contained the notation "Exhausted Call Attempts". The remaining two entries, which related to call attempts on January 9, 2019, and February 11, 2019, contained the notation "Answering Machine / No Answer". Those two entries are the only ones in the "accounts_notes" table that indicate an AMCA employee was involved in the call attempt (i.e., the entries contained an identification number in the "system_user_id" field); all other entries contained a "null" value where the AMCA employee would be identified. Attached hereto as Exhibit 3 is an excerpt from the "accounts_notes" table containing all information associated with Bratten.

8. The second CHAMP database table containing call-attempt information relating to Bratten was labeled “calls_current”. That table contained 26 entries relating to attempts to call Bratten (i.e., linked to his unique “accounts_core_id” of 62977590 and unique “customers_core_id” of 28416968). Two of those entries show information for the same two attempts to call Bratten on January 9, 2019, and February 11, 2019, described in Paragraph 7 (i.e., they match the same AMCA employee “system_user_id” numbers and were completed at the same dates and times as the records described in Paragraph 7 were created, after converting between Greenwich Mean Time and Eastern Standard Time). Those two entries are the only ones in the “calls_current” table that indicate an AMCA employee was involved in the call attempt (i.e., the entries contained an identification number in the “system_user_id” field); all other entries contain a “null” value where the AMCA employee would be identified. Attached hereto as Exhibit 4 is an excerpt from the “calls_current” table containing all information associated with Bratten.

9. The third CHAMP database table containing call-attempt information relating to Bratten was labeled “dialer_calls_current”.¹ That table contained 135 entries reflecting attempts to call Bratten (i.e., linked to his unique “accounts_core_id” of 62977590) between July 18, 2018, and April 6, 2019. Of those 135 entries, 97 contained

¹ A fourth CHAMP database table containing call-attempt information relating to Bratten, which was labeled “accounts_calls”, repeats information that appears in the other three tables. *See* Exhibit 6.

the notation “Busy”; 23 contained the notation “Answering Machine”; nine contained the notation “No Answer”; three contained the notation “Hold Drop”; one contained the notation “Disconnect”; and two contained the notation “Connected”. The two entries that contained the notation “Connected” show information for the same two attempts to call Bratten on January 9, 2019, and February 11, 2019, described in Paragraphs 7 and 8 above, for which an AMCA employee left the notation “Answering Machine / No Answer” in the “accounts_notes” table (i.e., they were created on the same dates and times and also bear the same unique identification numbers as the “parent” calls placed by the automatic dialer before a connection to an AMCA employee for the records described in Paragraph 8). Attached hereto as Exhibit 5 is an excerpt from the “dialer_calls_current” table containing all information associated with Bratten.

10. Pursuant to 28 U.S.C. § 1756, I declare under penalty of perjury that the foregoing is true and correct.

Dated: July 3, 2024



Ashim Kapur